

Notice of Allowability

Application No.

10/781,705

Examiner

Roy P. Issac

Applicant(s)

MAREK ET AL.

Art Unit

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/15/2006.
2. ☒ The allowed claim(s) is/are 1-2, 25, 27-29. (Renumbered 1-6 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 5/26/2005; 2/20/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SHAOJIA ANNA JIANG, PH.D.
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

This Office Action is in response to Applicant's amendment/ remarks/ response filed 15 December, 2006, wherein claims 3-24 and 26 have been cancelled.

Priority

As indicated in the previous Office Action, this application is a divisional of 09/850,081 filed 05/08/2001, issued as U.S. Patent No. 6,762,202, which claims benefit of the provisional application, 60/202,935 filed 05/09/2000. Claims 1-2, 25 and 27-29 are currently pending and are examined on the merits herein.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Please amend the specification at page 1, lines 3-5 as follows:

This application is a divisional under 35 USC § 121 of U.S. Application No. 09/850,081 filed May 8, 2001, issued as U.S. Patent No. 6,762,202, which claims priority under 35 USC § 119 to U.S. Application No. 60/202,935 filed May 9, 2000.

Reasons for Allowance

Applicants' amendment submitted 15 December, 2006, is sufficient to remove all rejections made in the prior office action, as discussed below, and to place the application in condition for allowance.

Claim objections of claim 3-16 are withdrawn since claims 3-16 have been cancelled.

The rejections under 35 U.S.C § 112, first paragraph of claims 3-24 and 26 are withdrawn, since claims 3-24 and 26 have been cancelled.

The rejection under 35 U.S.C § 112, second paragraph of claims 3-24 and 26 is withdrawn, since claims 3-24 and 26 have been cancelled.

The following is a statement of reasons for the indication of allowable subject matter: The compounds claimed in independent claims 1 and 27-29 are novel and unobvious over the prior art.

Furthermore, the instant specification is deemed to provide the enabling information to practice invention herein without undue experimentation. Examples 2a-e provides methods of synthesis and characterization for the compounds in claims 1 and 27-29. (Specification, Page 27-28). A kit is also described in the specification. (Specification, Page 35 lines 25-30).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy P. Issac whose telephone number is 571-272-2674. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roy P. Issac
Patent Examiner
Art Unit 1623



S. Anna Jiang, Ph.D.
Supervisory Patent Examiner
Art Unit 1623